

Message Text

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FM SECSTATE WASHDC

TO GOV AMERICAN SAMOA PRIORITY

UNCLAS STATE 173373

E.O. 11652: N/A

TAGS: PGOV, AQ

SUBJECT: MEMO OF AGREEMENT OF 1971 WITH AIR FORCE

DOТА NO. 092-AS

PASS TO LYLE L. RICHMOND, ATTORNEY GENERAL.
FROM TIMOTHY S. ELLIOTT, ACTING ASSOCIATE SOLICITOR,
DIVISION OF GENERAL LAW, DEPT. OF INTERIOR.

THIS RESPOND TO YOUR LETTER OF JUNE 24, 1976, IN WHICH YOU
ASK FOR ADVICE AS TO LEGAL BASIS FOR AIR FORCE POSITION
IN RESCINDING A MEMORANDUM OF AGREEMENT OF 1971. UNDER
THE AGREEMENT, AF IS TO PAY GAS FOR USE OF PAGO PAGO
INTERNATIONAL AIRPORT BY AF AIRCRAFT. AF ADVISES THAT
PAYMENTS UNDER THE AGREEMENT ARE BASED UPON USAGE BY AF
AIRCRAFT IN 1969-1970 DURING SOUTHEAST ASIA INVOLVEMENT.
AS A RESULT OF NON-INVOLVEMENT, CIRCUMSTANCES HAVE CHANGED
TO THE POINT THAT RENEGOTIATION IS NECESSARY; GAS HAS NOT
RESPONDED TO AF REQUESTS TO RENEGOTIATE, AS A RESULT AF
HAS TAKEN ACTION AS STATED IN COL. GARDNER'S LETTER OF
MARCH 4, 1976, BUT IS STILL READY TO ENTER INTO DISCUSSIONS
REGARDING PAYMENT. SINCE EITHER PARTY HAS THE RIGHT TO
REQUEST RENEGOTIATION ANNUALLY, THE OTHER PARTY WOULD BE
IN BREACH OF CONTRACT IF IT FAILED TO NEGOTIATE REASONABLY.
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AS TO RENEGOTIATION, CONTACT CAPT. NICHOLAS PHILLIPS,

AF, JAG, HICKAM AFB, HONOLULU.

ACTING DOTA SENDS. KISSINGER

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